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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,847	08/18/2003	Hamid Reza Abutalebi	881-011446-US(PAR)	4018
2512 PERMAN & G	7590 05/28/200 REEN	8	EXAMINER	
425 POST ROAD			JAMAL, ALEXANDER	
FAIRFIELD, CT 06824			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			05/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/642,847	ABUTALEBI ET AL.				
Office Action Summary	Examiner	Art Unit				
	ALEXANDER JAMAL	2614				
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>25 A</u>	oril 2008.					
	action is non-final.					
3) Since this application is in condition for allowar						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1,5-12,16-22,24-27,29-32</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
	o, and common copies not receive	<b>.</b>				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	nte				
Information Disclosure Statement(s) (PTO/SB/08)     Paper No(s)/Mail Date	5)  Notice of Informal P 6)  Other:	аіені Арріісаціон				

Application/Control Number: 10/642,847 Page 2

Art Unit: 2614

## **DETAILED ACTION**

## Response to AF comments

1. Based upon the submitted AF comments, the examiner notes that in the January 29 interview the Examiner contacted Geza Zeigler and noted that if support and drawings could be shown for a **single** embodiment that could perform the single whitening steps in addition to combinations of the whitening steps (as claimed) then the examiner would issue the claims over the prior art of record.

In the subsequent interview The examiner reiterated the point and was notified that the claim referred to any number of separate embodiments that could use any combination of the known whitening stages. The specification does not support a single device that can selectively provide various combinations of whitening stages. As such the examiner issues a non-final rejection with a 112 second paragraph rejection made for all claims.

## Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims <u>1,5-12,16-22,24-27,29-32</u> rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite an operating module that includes a number of whitening stages and combinations thereof. As applicant's specification only discloses

Application/Control Number: 10/642,847 Page 3

Art Unit: 2614

separate devices with various combinations of whitening stages, it is not clear exactly which

particular combination is being referred to in the claims.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner

can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization

where this application or proceeding is assigned are 571-273-8300 for regular communications

and 571-273-8300 for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

May 28, 2008